IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO. 536 OF 2004

IN

SECOND APPEAL STAMP NO. 5236 OF 1999

The Municipal Corporation of
Greater Mumbai & Ors. ..Appellants

versus

Mr. Kekobad Dosabhey & Anr. ..Respondents

Mr. Bhor for the Appellants.

Mr. P. Jaiswal for the Respondents.

CORAM : D. G. DESHPANDE,J.

DATE : 21ST JULY,2005

P.C. :

1. Heard.

2. Initially the appeal was dismissed for non removal of office objections. Thereafter, it appears that it was admitted without there being an order for restoration. Counsel for the Respondents contends that till this date the appellants - BMC has not removed office objections.

3. When the appeal is admitted, now restoration in the circumstances has to be granted. The only anxiety of the respondents is that the hearing of the appeal should be expedited. Therefore, I pass the following order:

ORDER

. Appeal is restored to file. All the office objections should be removed by the BMC within four weeks from today positively, without fail. If the objections are not removed the appeal will stand dismissed without reference to this court even though it is admitted. Civil Application disposed of.

. Appellants to prepare the paper book within four weeks of removal of office objections and to serve copy of the same to the respondents. Thereafter, the appeal will be kept for final hearing in the last week of September 2005 at 2.45 p.m.

21.7.2005 (D.G. DESHPANDE, J.)

:3: